REMARKS

I. Introduction

In response to the Office Action dated October 4, 2006, Applicants have amended claims 1, 6 – 8, 10, and 14 – 17 to more particularly point out and distinctly claim the subject matter of the invention. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

II. Claim Rejections Under 35 U.S.C. § 112

Claim 10 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Examiner asserts that the phrase "time information acquisition means for acquiring time information from outside" is vague because the term "outside" is indistinct. Applicants have amended claim 10 to recite that the time information acquisition means acquires time information from an outside apparatus. Accordingly, withdrawal of this rejection is respectfully requested.

III. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 2, 5, 9, 10, and 14 – 17 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,629,980 to Stefik. Applicants traverse this rejection for at least the following reasons.

Claim 1, as amended, recites an output time management apparatus which acquires at least part of the information readable for the output time management apparatus from an external medium as an output time management program and object data, wherein the output time management program controls the output of the object data by a controller. As depicted in Figure 11 of the present application, an output time management apparatus, such as PC 21, is configured to receive, from an external medium such as memory card 417, object data and a time management program (*see, e.g.,* Paragraphs [0115] and [0134] – [0140] of the published application). In accordance with output time management system described in claim 1, the display time of object data can be limited, even if the object data is stored on an external memory card. Accordingly, copyright can be protected because the display time is limited, even in the case where the object data is stored on an external medium, such as a memory card (*see,* paragraph [0142]).

Stefik appears to be directed to a system and method for managing usage rights and redistribution for digital products such as video, music, and other multimedia products. Usage rights are assigned to and permanently attached to a digital work. Repositories are used as an exchange medium for sharing the digital works. The Examiner refers generally to Figure 15 of Stefik and the associated text, and more specifically to elements 1512 – 1515, asserting that Stefik discloses a digital rights management system wherein a user purchases the rights to render a digital work based on a predetermined amount of time. While it does appear that the digital rights management system disclosed by Stefik may be used to limit the grant of rights to a specific time frame, Stefik does not disclose nor even suggest acquiring an output time management program from an external medium, wherein the output time management program is executed to control the output of the object data by a controller, as recited in claim 1.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities"), *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the foregoing, it is submitted that Stefik does not anticipate claim 1. Independent claims 14 – 17 recited, among other things, features similar to those described above in reference to claim 1. Thus, Stefik fails to anticipate claim claims 14 – 17 for at least the same reasons provided above in reference to claim 1.

Claims 2, 5, 9, and 10 depend from claim 1. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Harness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for at least the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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